In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-39748 of 2007

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Date of decision:2.8.2007

Gurinder Singh alias Gurinder Pal Singh

.....Petitioner

v.

State of Punjab

.....Respondent

....

Present: Mr. Gursewak Singh Singpuria, Advocate for the petitioner.

Mr. I.P.S. Sidhu, Senior Deputy Advocate General, Punjab for the respondent-State.

Mr. R.V.S. Chugh, Advocate for the complainant.

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S.S. Saron, J.

Heard learned counsel for the parties.

The petitioner seeks anticipatory bail in a case registered against him for the offences under Sections 406, 465, 467 and 468 IPC at Police Station Boha.

The FIR in the case has been registered against the petitioner on the basis of complaint of Manjit Kaur, daughter of Gurnam Singh. It is alleged that the tractor of the complainant Mark Sonalika was taken for cultivation by the accused. The said tractor was sold further. In this regard complaint dated 20.3.2006, 21.5.2006 and 17.6.2007 had been made. It was submitted by the complainant Manjit Kaur that her father had transferred his entire land in her name in Village Bhimra because the husband of the

complainant, namely Gurmeet Singh was 100% blind and her two brothers had already been murdered and her third brother had left the house due to fear. The cousin brother of the complainant, namely, Prince Pal Singh alias Tony and Gurvinder Singh were looking after the proceedings of the case. The said person had asked the complainant to purchase a tractor after taking a loan from the bank. They took loan from Canara Bank and purchased tractor in the name of the complainant. They then took the tractor of the complainant straightway from the agency. They used it for 15-20 days and thereafter sold it further. Despite being asked to return the tractor, it has not been returned. The tractor has been sold by making duplicate documents.

Learned counsel for the petitioner has submitted that the complainant has lodged the FIR so as to pressurize the petitioner and his brother to stand as false witnesses and make false statements against the person who allegedly murdered the brothers of the complainant. The petitioner and his brother refused to make these false statements. Therefore, they have been falsely implicated. In fact, the complainant was in need of money for contesting the cases and therefore, she had herself sold the tractor to someone. It is submitted that the co-accused Prince Pal Singh has been granted regular bail by the Sessions Judge, Mansa.

In response, learned counsel for the State and the complainant have submitted that the tractor which has been sold by the accused in the case has yet not been recovered. In order to effect recovery, the custodial interrogation of the petitioners is required.

I have given my thoughtful consideration to the allegations in the FIR and the contentions of the learned counsel for the parties, it may be noticed that the complainant is a lady whose husband is 100% blind besides

her two brothers have been murdered. The third brother has left the house. The accused including the petitioner have misappropriated the tractor. It has been alleged by the complainant that the tractor was taken by the accused from the agency itself and after 15-20 days it was sold. The tractor has not been recovered till date. Therefore, custodial interrogation of the petitioners would be required for the purpose of effective investigation.

Consequently, the criminal miscellaneous petition is dismissed.

August 2, 2007. **(S.S. Saron)**
Judge

hsp

NOTE: Whether to be referred to the Reporter or not:No